

Kansas Department of Health and Environment
Proposed Permanent Amended Regulation

Article 17 – DIVISION OF VITAL STATISTICS

28-17-20. Corrections to certificates and records. Corrections to certificates ~~or~~ and records may be made only as follows and only within the time limit indicated in each subsection.

(a) Amendments within 90 days.

(1) Within 90 days of receipt of an original vital record in the office of vital statistics, the following records in which an inaccuracy or an incomplete item is apparent on the face of the certificate, may be changed to show the accurate and complete facts:

(A) Birth certificates;

(B) any part of a death certificate other than the ~~portion~~ section describing the cause of death;

(C) any part of a stillbirth certificate, other than the section describing the cause of death;
~~and~~

(D) marriage certificates; and

(E) divorce records certificates.

(2) ~~Such~~ The changes specified in this subsection shall be made ~~in one of two ways as follows:~~

(A) ~~drawing a single line through the incorrect information, inserting the correct information in the appropriate space, and placing the date of the amendment and the word “amended” on the record. This process shall be the primary way in which amendments are made~~

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~~and this process of amendment shall not be used more than one time for the same item; or~~ Any death or stillbirth certificate may be amended by drawing a single line through the incorrect information in the appropriate space or by inserting the correct information in the appropriate space, if left blank on the original certificate. For each amendment, the date of the amendment and the word “amended” shall be written or typed on the certificate. The process of amendment specified in this paragraph shall not be used more than one time for the same item.

~~_____ (B) completing a new certificate in accordance with K.S.A. 38-1130 and amendments thereto, or completing a new certificate when a single line has been previously drawn through incorrect information. The date of the amendment and the word “amended” shall be placed on the newly created certificate. This process of amendment shall not be used more than one time for the same item. A new certificate shall be created if any item to be corrected is not left blank on the original certificate or if a death or stillbirth certificate item has already been amended. This process of amendment shall not be used more than one time for the same item unless accompanied by a court order, except when amending a death or stillbirth certificate.~~

~~_____ (C) If the registrant is a minor, the birth certificate may be amended at the request of a parent to change an item or items by adding the name of a parent, correcting the name of either parent or of the child, or changing the child’s last name to that of either parent. Any of these amendments may be made only pursuant to K.S.A. 38-1130, and amendments thereto.~~

~~(D) The process of amendment specified in paragraph (a)(2) shall be used when affidavits and supporting evidence have been furnished to the state registrar, as appropriate. The date of the amendment and the word “amended” shall be placed on the original certificate or the newly created certificate.~~

(3) An amendment fee shall ~~not~~ be required ~~for~~, except when changes are made within the first 90 days after receipt of ~~the vital record~~ a death certificate or a stillbirth certificate in the office of vital statistics.

(b) Amendments after 90 days. After 90 days of receipt of the vital record in the office of vital statistics, amendments may be made only as follows:

(1) Birth certificates ~~of birth~~.

(A) Birth certificate items may be amended upon the applicant's submission of at least two documents ~~which~~ that consistently substantiate ~~the~~ each item ~~or items~~ to be amended and that are executed and dated at least five years ~~prior to~~ before the request for the amendment or ~~prior to~~ before the tenth birthday anniversary of the registrant, except that the following items ~~(i) through (viii)~~ shall ~~may~~ be corrected only as ~~provided~~ specified:

(i) The items recording the registrant's sex may be amended if the amendment is substantiated with the applicant's affidavit, or a parent's affidavit if the registrant is under the age of 18, that the sex was incorrectly recorded, or with a medical certificate substantiating that a physiological or anatomical change occurred.

(ii) If the registrant is a minor, any request by ~~the parents~~ a parent to change an item ~~or items~~ by adding the name of a parent, correcting the name of either parent or of the child, or changing the child's last name to that of either parent shall be made only pursuant to K.S.A. 38-1130, and amendments thereto.

(iii) Any registrant who is of legal age may amend the order of the registrant's given names if the amendment is substantiated with one of the documents specified in paragraph ~~(b)(1)(A) above~~.

(iv) A registrant who is of legal age may place ~~a~~ the registrant's given name or names ~~of the registrant~~ on the record only if there is no given name on the original certificate and if the amendment is substantiated with one of the documents specified in paragraph ~~(b)(1)(A) above~~.

(v) A registrant who is of legal age may correct ~~a~~ the registrant's given name or names ~~of the registrant~~ if the amendment is substantiated with one document established ~~prior to~~ before the ~~seventh~~ tenth birthday anniversary of the registrant.

(vi) A registrant who is of legal age may correct the spelling of the registrant's last name ~~of the registrant~~ if the amendment is substantiated with two documents established ~~prior to~~ before the ~~seventh~~ tenth birthday anniversary of the registrant. ~~A registrant who is of legal age may not~~

~~change~~ Changing the last name of the registrant under authority of this regulation shall not be deemed to be correcting the spelling of the registrant's last name.

(vii) A registrant who is of legal age may correct the ~~maiden name of the~~ name of the registrant's mother before her first marriage or the father's or mother's legal name of the father or mother, or the legal name of the father and mother of the registrant, if one of the required documents specified in paragraph (b)(1)(A) above is the marriage license or birth certificate of ~~that~~ the parent or parents.

(viii) The registrant's birth date on the certificate may ~~only~~ be changed only if both required documents were executed and dated ~~prior to~~ before the ~~seventh~~ tenth birthday anniversary; and if the change is ~~not inconsistent~~ consistent with the recorded filing date.

(B) When an amendment is made after 90 days, any item that has been previously amended ~~shall not~~ may be changed ~~under authority of this regulation~~ only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the state registrar.

(D) Requests for an amendment to a birth certificate ~~of birth~~ that do not require a court order shall be submitted by the parent or legal guardian of persons not of legal age, or by the ~~person whose birth is recorded, registrant~~ registrant if of legal age, ~~and by none other~~. The person submitting ~~such an~~ the application shall execute a notarized affidavit stating the true facts to be recorded.

~~(E) When amendments to a birth certificate are made after 90 days of the date the certificate was received by the office of vital statistics, the original certificate shall remain unchanged and placed in a sealed file to be opened only by court order. A new certificate shall be prepared and shall be marked "amended." The date of the amendment shall be recorded on the certificate. In the sections where the original certificate contained a signature, the amended certificate shall contain the typed name of the person who signed. The original certificate and any affidavit required shall be permanently filed by the office of vital statistics.~~

(2) Death certificates of death -/- personal data.

(A) “Personal” data may be amended without a court order if the request is made within the first six months after ~~the~~ filing of the original certificate.

(B) Requests for amendments to “personal” data may be made only by the funeral director or person acting as such who submitted the original certificate.

(C) When amendments to the “personal” data of a death certificate are made ~~after~~ 90 or more days of the date after the certificate is received in the office of vital statistics, the original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened only by a court order. A new certificate shall be prepared by the funeral director or person acting as such or by the state registrar. The medical ~~certification~~ section shall again be completed, and the required signatures shall be secured ~~in all~~ whenever possible instances. The signatures may be typed if the required signatures are unattainable and a written statement of the reason ~~therefore~~ is attached to the certificate. The certificate shall not be accepted if the stated reason for the typed signature is inadequate, as determined by the state registrar. Upon acceptance by the ~~office of vital statistics~~ state registrar, the new certificate shall be marked “amended” and shall indicate the date of the amendment.

(3) Stillbirth certificates: personal data.

(A) Personal data may be amended upon the request of a parent and the submission of affidavits and supporting evidence to substantiate each item to be amended.

(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the state registrar.

(4) Marriage certificates: personal data.

(A) Personal data may be amended upon the request of the bride and groom and the submission of affidavits and supporting evidence to substantiate each item to be amended.

(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the state registrar.

(5) Divorce certificates: personal data.

(A) Personal data may be amended upon the request of either spouse and the submission of affidavits and supporting evidence to substantiate each item to be amended.

(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the state registrar.

(6) Original and amended certificates. If a new certificate is created to amend and replace an original certificate, the original certificate shall remain unchanged and shall be placed in a sealed file to be opened only by a court order. The new certificate shall be marked “amended.” The date of amendment shall be recorded on the new certificate. If a section of an original certificate contains a signature, the new certificate shall include the typed name of each person who signed the original certificate. The original certificate and any required affidavits shall be permanently filed by the state registrar.

(c) Amendments; with no time limit.

(1) ~~Certificate of Death~~ -/- ~~and stillbirth certificates~~: medical ~~certification~~ section data.

(A) ~~An amendment may be made to the medical certification data at any time. Requests for amendments to the medical section data may be made only by the attending physician who signed the medical section on the original certificate or by the coroner in whose jurisdiction the death or stillbirth occurred.~~

(B) ~~Requests for amendments to the medical certification data may be made only by the attending physician who signed the medical certification on the original certificate, or by the~~

~~coroner in whose jurisdiction the death occurred.~~ Any amendment may be made to the medical section data at any time.

(C) Amendments to the medical ~~certification~~ section data may be made in ~~one of two~~ either of the following ways:

(i) The original certificate shall remain on file unchanged, and the written statement or affidavit of the certifying physician or coroner shall be appended to the back of the original certificate; ~~or.~~ The original certificate shall be marked "amended" and shall indicate the date of the amendment.

(ii) A certifying physician or coroner may request the establishment of a new death certificate ~~when~~ or stillbirth certificate if erroneous data has been entered in the medical ~~certification~~ section. In ~~such a~~ this case, the funeral director or person acting as such shall enter the personal data and ~~refer forward~~ refer forward the certificate to the certifying physician or coroner ~~for to~~ sign the medical ~~certification~~ section and signature. When all items have been completed, the new certificate shall be submitted to the office of vital statistics, and upon ~~its~~ its acceptance of the certificate, ~~it~~ the certificate shall be marked "amended" and shall indicate the date of the amendment. The original death ~~record~~ or stillbirth certificate shall be placed in a sealed file ~~only~~ to be opened only by a court order. (Authorized by K.S.A. 65-2402 and 65-2422c; implementing K.S.A. 65-2422c; effective Jan. 1, 1966; amended May 1, 1987; amended May 1, 1988; amended Oct. 22, 1990; amended, T-28-9-25-92, Sept. 25, 1992; amended Nov. 16, 1992; amended Aug. 16, 1993; amended, T-_____, _____; amended P-_____.)